

Message

From: Charney, Lauren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B94BFC86D4E4CCDB9340EBBD09F2B11-CHARNEY, LAUREN]
Sent: 7/13/2015 8:48:05 PM
To: David W. Nunn [dwnunn@eastmansmith.com]; Jeffrey Davis [JDavis@hblaw.com]; kathleen.mcfadden@utc.com; John.wolski@utc.com; Gary P. Gengel [Gary.Gengel@lw.com]; CBurns@chacompanies.com; Frank C. Pavia [fpavia@HarrisBeach.com]; Jean McCreary [jmccreary@nixonpeabody.com]; Imona@hblaw.com; Joseph A. Gregg [jagregg@eastmansmith.com]; WilliamShaklee@Eaton.com; NelsonMOlavarria@Eaton.com; Kevin Murphy [kmurphy@wladislawfirm.com]; (rstamey@syr.gov) [rstamey@syr.gov.net]; Barry, Joe - Law [JBarry@syr.gov.net]; Luis Mendez [Luis.Mendez@ongov.net]; Robert Baldwin [rbaldwin@baslaw.com]; Tames, Pam [Tames.Pam@epa.gov]; Doyle, James [Doyle.James@epa.gov]; Singerman, Joel [Singerman.Joel@epa.gov]; Mona, Laura L. [Imona@barclaydamon.com]; LuisMendez@ongov.net; Baker, Darlene A. [DBaker@barclaydamon.com]; Capozza, Richard R. [RCAPOZZA@barclaydamon.com]; Holly K. Austin [haustin@hancocklaw.com]; Kaitlin.Wallace@lw.com; Trimarchi, Peter [ptrimarchi@nixonpeabody.com]
Subject: LLC AOC draft 7-13-15
Attachments: LLC RD AOC draft 7-13-15 sent to PRPs.docx

Dear All,

Attached is the latest version of the LLC AOC. As with the other drafts I have sent, this one shows track changes compared to the original version of the AOC we sent the group, so you can see where we have incorporated your comments/concerns. I apologize that I am sending you this version without much time to review before our 9 am call tomorrow, but there were unavoidable delays in getting this to you. Please let me know if you'd prefer delaying tomorrow's call until Wednesday or Thursday to give you time to review the changes. I do not yet have a sample UAO to send to the group- I just received one and haven't had a chance to review it for its applicability to this OU.

You will notice that we incorporated changes concerning the use of "Settlement Agreement" and contribution protection. However, although I suggested on our last call that we would be amenable to changing the covenant not to sue the US provision (paragraph 85), we were met with resistance from upper management for deviating from the model without more information about the potential claims against the US.

As always, this draft is subject to further government review.

Lauren P. Charney
Assistant Regional Counsel
US EPA Region 2
290 Broadway, 17th Floor
New York, NY 10007
Tel: 212-637-3181
charney.lauren@epa.gov